

CHAPTER 4. California Library Services Act

ARTICLE 1. General Provisions

Sec. 18700. Title

This chapter shall be known as the California Library Services Act.

Sec. 18701. Legislative finding

The Legislature finds and declares that it is in the interest of the people of the state to insure that all people have free and convenient access to all library resources and services that might enrich their lives, regardless of where they live or of the tax base of their local government.

This finding is based on the recognition that:

(a) The public library is a primary source of information, recreation, and education to persons of all ages, any location or any economic circumstance.

(b) The expansion of knowledge and the increasing complexity of our society create needs for materials and information which go beyond the ability of any one library to provide.

(c) The public libraries of California are supported primarily by local taxes. The ability of local governments to provide adequate service is dependent on the taxable wealth of each local jurisdiction and varies widely throughout the state.

(d) Public libraries are unable to bear the greater costs of meeting the exceptional needs of many residents, including the handicapped, non-English and limited English-speaking persons, those who are confined to home or in an institution, and those who are economically disadvantaged.

(e) The effective sharing of resources and services among the libraries of California requires an ongoing commitment by the state to compensate libraries for services beyond their clientele.

(f) The sharing of services and resources is most efficient when a common data base is available to provide information on where materials can be found.

Sec. 18702. Legislative intent

It is the intent of the Legislature to provide all residents with the opportunity to obtain from their public libraries needed materials and informational services by facilitating access to the resources of all libraries in this state.

This policy shall be accomplished by assisting public libraries to improve service to the underserved of all ages, and by enabling public libraries to provide their users with the services and resources of all libraries in this state.

Sec. 18703. Legislative policy

In adopting this chapter, the Legislature declares that its policy shall be:

(a) To reaffirm the principle of local control of the government and administration of public libraries, and to affirm that the provisions of this chapter apply only to libraries authorized by their jurisdictions to apply to participate in the programs authorized by this act. (b) To require no library, as a condition for receiving funds or services under this chapter, to acquire or exclude any specific book, periodical, film, recording, picture, or other

material, or any specific equipment, or to acquire or exclude any classification of books or other material by author, subject matter, or type.

(c) To encourage adequate financing of libraries from local sources, with state aid to be furnished to supplement, not supplant, local funds.

(d) To encourage service to the underserved of all ages.

(e) To encourage and enable the sharing of resources between libraries.

(f) To reimburse equitably any participating library for services it provides beyond its jurisdiction if a public library, or, if not a public library, beyond its normal clientele.

(g) To ensure public participation in carrying out the intent of this act.

ARTICLE 2. Definitions

Sec. 18710. Definitions

As used in this chapter, unless the context otherwise indicates or unless specific exception is made:

(a) "Academic library" means a library established and maintained by a college or university to meet the needs of its students and faculty, and others by agreement.

(b) "Act" means the California Library Services Act.

(c) "Cooperative Library System" means a public library system that consists of two or more jurisdictions entering into a written agreement to implement a regional program in accordance with this chapter, and which, as of the effective date of this chapter, was designated a library system under the Public Library Services Act of 1963 or was a successor to such a library system.

(d) "Direct loan" means the lending of a book or other item directly to a borrower.

(e) "Equal access" means the right of the residents of jurisdictions that are members of a Cooperative Library System to use on an equal basis with one another the services and loan privileges of any and all other members of the same system.

(f) "Independent public library" means a public library not a member of a system.

(g) "Interlibrary loan" means the lending of a book or other item from one library to another as the result of a user request for the item.

(h) "Interlibrary reference" means the providing of information by one library or reference center to another library or reference center as the result of a user request for the information.

(i) "Jurisdiction" means a county, city and county, city, or any district that is authorized by law to provide public library services and that operates a public library.

(j) "Libraries for institutionalized persons" means libraries maintained by institutions for the purpose of serving their resident populations.

(k) "Net imbalance" means the disproportionate cost incurred under universal borrowing or equal access

when a library directly lends a greater number of items to users from outside its jurisdiction than its residents directly borrow from libraries of other jurisdictions.

(l) "Public library" means a library, or two or more libraries, that is operated by a single public jurisdiction and that serves its residents free of charge.

(m) "School library" means an organized collection of printed and audiovisual materials that satisfies all of the following criteria:

(1) Is administered as a unit.

(2) Is located in a designated place.

(3) Makes printed, audiovisual, and other materials as well as necessary equipment and services of a staff accessible to elementary and secondary school students and teachers.

(n) "Special library" means one maintained by an association, government service, research, institution, learned society, professional association, museum, business firm, industrial enterprise, chamber of commerce, or other organized group, the greater part of their collections being in a specific field or subject, e.g., natural sciences, economics, engineering, law, and history.

(o) "Special Services Programs" means a project establishing or improving service to the underserved of all ages.

(p) "State board" means the California Library Services Board.

(q) "System" means a cooperative library system.

(r) "Underserved" means any population segment with exceptional service needs not adequately met by traditional library service patterns; including, but not limited to, those persons who are geographically isolated, economically disadvantaged, functionally illiterate, of non-English-speaking or limited-English-speaking ability, shut-in, institutionalized, or handicapped.

(s) "Universal borrowing" means the extension by a public library of its direct loan privileges to the eligible borrowers of all other public libraries.

ARTICLE 3. Administration

Sec. 18720. California Library Services Board

There is hereby established in the state government the California Library Services Board, to consist of 13 members. The Governor shall appoint nine members of the state board. Three of the Governor's appointments shall be representative of laypersons, one of whom shall represent the handicapped, one representing limited- and non-English-speaking persons, and one representing economically disadvantaged persons.

The Governor shall also appoint six members of the board, each of whom shall represent one of the following categories: school libraries, libraries for institutionalized persons, public library trustees or commissioners, public libraries, special libraries, and academic libraries.

The Legislature shall appoint the remaining four public members from persons who are not representative of categories mentioned in this section. Two shall be appointed by the Senate Rules Committee and two shall be appointed by the Speaker of the Assembly.

The terms of office of members of the state board shall be for four years and shall begin on January 1 of the year in which the respective terms are to start.

Sec. 18722. Required vote by board

The concurrence of seven members of the state board shall be necessary to the validity of any of its acts.

Sec. 18723. Compensation of board

Members of the state board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

Sec. 18724. Duties of board

The duties of the state board shall be to adopt rules, regulations, and general policies for the implementation of this chapter. In addition, the state board, consistent with the terms and provisions of this chapter, shall have the following powers and duties:

- (a) To direct the State Librarian in the administration of this chapter.
- (b) To review for its approval all annual proposals submitted under this chapter.
- (c) To annually submit budget proposals as part of the annual budget of the Department of Education.
- (d) To expend the funds appropriated for the purpose of implementing the provisions of this chapter.
- (e) To require participating libraries and systems to prepare and submit any reports and information which are necessary to carry out the provisions of this chapter, and to prescribe the form and manner for providing such reports and information.
- (f) To develop formulas for the equitable allocation of reimbursements under Sections 18731, 18743, 18744, and 18765. Such formulas shall be submitted to the Department of Finance for approval.
- (g) To require that any public library participating in programs authorized by this chapter provide access to its bibliographic records and materials location information consistent with the legislative policy of encouraging the sharing of resources between libraries.

Sec. 18725. State Advisory Council on Libraries

The state board shall serve as the State Advisory Council on Libraries for the purpose of meeting the requirements of the federal Library Services and Construction Act.

Sec. 18726. State Librarian as chief executive officer

The State Librarian shall be the chief executive officer of the state board for purposes of this chapter and shall:

- (a) Make such reports and recommendations as may be required by the state board.
- (b) Administer the provisions of this chapter.
- (c) Review all claims to insure programmatic and technical compliance with the provisions of this chapter.

ARTICLE 4. Local Public Library Services

Sec. 18730. Special Service Programs

Any public library or combination of public libraries may submit proposals to the state board for Special Services Programs within the service area. Applications shall identify the needs of the target service group, assess the capacity of the applicant library or libraries to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Funds may be expended for the development of collections to meet the needs of the underserved, together with the employment or retraining of staff necessary to properly utilize the collections, and to provide appropriate services to the underserved.

Sec. 18731. Universal borrowing

Any California public library may participate in universal borrowing. Public libraries participating in universal borrowing may not exclude the residents of any jurisdiction maintaining a public library. Public libraries that incur a net imbalance shall be reimbursed for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724. Reimbursement shall be incurred only for imbalances between:

- (a) System member libraries and independent public libraries.
- (b) Independent public libraries with each other.
- (c) Member libraries of one system with member libraries of other systems.

Sec. 18732. Consolidation of libraries

If two or more public library jurisdictions wish to consolidate their libraries into a single library agency, an establishment grant in the annual maximum amount of twenty-thousand dollars (\$20,000) shall be made to the newly consolidated library jurisdiction for each of two years, provided that notice of such consolidation is filed with the State Librarian within one year after the consolidation.

ARTICLE 5. Library System Services

Sec. 18740. Eligible systems

A library system, eligible for funds under this article, may consist of the following systems:

- (a) A cooperative library system that, as of the effective date of this act, was designated a system under the Public Library Services Act of 1963.
- (b) A library system in which two or more systems consolidate to form a library system.
- (c) A library system that is formed by adding independent public library jurisdictions to an existing system.
- (d) A library system formed by any combination of the above.

Sec. 18741. System reference program

(a) Each system described in Section 18740 shall receive an annual allowance for the improvement and maintenance of coordinated reference service support to the members of the system. Following the effective date

of this chapter, if there occurs a consolidation among individual public libraries that, as of the effective date of this chapter, are members of a system, the per member allowance to the system shall continue at the same level as if the consolidation had not taken place.

(b) After identifying the needs of the underserved, each system shall use a fair and equitable portion of its reference allowance to improve the system's reference service to its underserved population through appropriate collection development, provision of reference specialists, and staff training. Funds for the reference grant may also be used for general and specialized reference collection development, employment of reference specialists, and system-wide reference training.

Sec. 18742. System Special Service Programs

Any system may apply to the state board for funds for Special Service Programs on a system-wide basis. Proposals shall identify the needs of the target service group, assess the capacity of the applicant system to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Systems may also apply for funds for other system-wide programs, but such programs shall include a component for serving the underserved on a system-wide basis.

Sec. 18743. Equal access

Each member library of a system shall provide equal access to all residents of the area served by the system. Member libraries that incur a net imbalance shall be reimbursed through the system for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

Sec. 18744. Interlibrary loan reimbursement

Each member library of a system shall be reimbursed through the system to cover handling costs, excluding communication and delivery costs, of each interlibrary loan between member libraries of the system according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

Sec. 18745. System communications and delivery

Each system shall annually apply to the state board for funds for intrasystem communications and delivery. Proposals shall be based upon the most cost-effective methods of exchanging materials and information among the member libraries.

Sec. 18746. System planning, coordination, and evaluation

Each system shall annually apply to the state board for funds for planning, coordination, and evaluation of the overall systemwide services authorized by this chapter.

Sec. 18747. System administrative council and advisory board

(a) Each system shall establish an administrative council whose membership consists of the head librarians of each jurisdiction in the system. Duties of the administrative council shall include general administrative responsibility for the system, adopting a system plan of service, and submitting annual proposals to the state board for implementation of the provisions of this article.

(b) Each system shall establish an advisory board consisting of as many members as there are member jurisdictions of the system. The governing body of each member jurisdiction shall appoint one member to the advisory board from among its residents.

Sec. 18749. Terms of members of advisory board

The term of any member of a system advisory board shall be for two years, and each member shall serve no more than two consecutive terms. Staggered terms shall be established by drawing of lots at the first meeting of the advisory board so that a simple majority of the members shall initially serve a two-year term, and the remainder initially a one-year term.

The appointing jurisdiction shall ensure that members of a system advisory board are representative of the public-at-large and of the underserved residents in the system service area.

Sec. 18750. Duties of advisory boards

The duties of each system advisory board shall include, but are not limited to, the following:

- (a) Assisting the Administrative Council in the development of the system plan of service.
- (b) Advising the Administrative Council on the need for services and programs.
- (c) Assisting in the evaluation of the services provided by the system.

Sec. 18751. Grants to newly consolidated systems.

When any system or systems consolidate, a grant of ten thousand dollars (\$10,000) for each of the two years following the consolidation shall be made to the newly consolidated system.

ARTICLE 6. Statewide Services

Sec. 18760. State reference centers.

The state board shall establish and administer two or more state reference centers. The centers shall be responsible for answering reference requests that cannot be met by systems and libraries participating in the programs authorized by this chapter.

Sec. 18761. Services of state reference centers

Each reference center established by the state shall provide statewide service. Such service shall include the handling of reference requests that cannot be met locally and regionally.

Sec. 18762. Agreements for materials and services

Each reference center established pursuant to Section 18760 may enter into reciprocal or contractual agreements with libraries or any other information source for the purpose of making available their materials and informational services for the benefit of the library users of this state. Each California public library participating in any program under this chapter shall make materials and services available, as needed, to state reference centers.

Sec. 18763. Budget

The budget of any reference center established pursuant to Section 18760 may include funds for the general operations of such centers, including funds for collection development and use.

Sec. 18764. Collections relevant to disadvantaged persons

The state board shall designate one or more of the reference centers established pursuant to Section 18760 as a repository for collections specially relevant to economically disadvantaged persons and non-English-speaking persons.

Sec. 18765. Interlibrary loan reimbursement

Each California library eligible to be reimbursed under this section for participation in the statewide interlibrary loan program shall be reimbursed according to the allocation formula developed pursuant to subdivision (f) of Section 18724 to cover the handling costs of each interlibrary loan whenever the borrowing library is a public library, except for the interlibrary loans made between members of a cooperative library system as provided in Section 18744. Libraries eligible for interlibrary loan reimbursement under this section shall include public libraries, libraries operated by public schools or school districts, libraries operated by public colleges or universities, libraries operated by public agencies for institutionalized persons, and libraries operated by nonprofit private educational or research institutions. Loans to eligible libraries by public libraries shall also be reimbursed according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

Sec. 18766. Statewide communications and delivery

The state board shall establish and maintain a statewide communications and delivery network between and among systems, state reference centers, independent public libraries and all other libraries participating in the programs authorized by this act.

Sec. 18767. Bibliographic data base

The state board shall establish and maintain a computerized data base of bibliographic records and locations of all materials acquired by public libraries in this state, for the purpose of carrying out the legislative policy of enabling libraries to share resources efficiently.

CALIFORNIA LIBRARY SERVICES ACT

(Code of California Regulations, Title 5, Division 1, Chapter 24, Subchapter 2, Articles 1- 8, Sec. 20100-20265)

SUBCHAPTER 2. CALIFORNIA LIBRARY SERVICES

ARTICLE 1. GENERAL PROVISIONS

Sec. 20100. Scope.

The regulations contained in this chapter shall implement the California Library Services Act Chapter 4 of Part 11 of Division 1 of Title 1 of the Education Code, beginning with Section 18700 thereof.

Sec. 20101. General provisions.

(a) The State Board finds that it is in the best interests of the citizens of California and best fulfills the purposes of the Act (Chapter 4, Part 11, Division 1, Title 1, Education Code) that libraries participating in any one program of the Act participate in all applicable programs of the Act.

(b) Any public library participating in programs of the Act shall, under Section 18724(h) of the Act, provide access to the library's bibliographic and location data upon request from the State Board for inclusion in the appropriate data base established by the State Board in implementation of the Act. The access shall be provided in such form, manner and frequency as are agreed upon between the State Board and the library.

(c) Funding distributed according to California Library Services Act provisions may not be used to support other than library purposes. To comply with Education Code Section 18703(c), the funding may not be used to replace local funds for library services, but only to supplement the local funding to further the purposes of the Act.

(d) A public library participating in any program of the Act must participate in the direct loan transaction reporting, whether the library participates in either of the direct loan programs or not. During the designated transaction reporting periods all CLSA participating libraries must record all direct loans made to eligible residents of other jurisdictions whose libraries are participating in the direct loan programs, as long as handling costs of paid loans are not being covered in whole, or in part, by CLSA funds in

addition to direct loan reimbursement funds, LSCA funds, or by funds provided by the jurisdiction of the eligible non-resident.

Sec. 20103. Waiver of filing date.

The State Board may waive or reset any filing dates required by these regulations, if the State Board determines that so doing would best serve the purposes of the Act.

Sec. 20104. Eligibility to participate.

Funding under any program of the Act shall be provided only to libraries which are physically and administratively located within California and which meet any additional eligibility criteria required for specific program participation.

Sec. 20105. General requirements for participation.

(a) Public Library Participation Authorization. Every public library wishing to participate in any of the programs of the Act must file with the State Board an authorization by the jurisdictional governing body for that library's participation. The authorization must be in the form and manner and be filed by the date specified by the State Board.

(b) Public Library Certification. Upon the authorization by the jurisdictional governing body, the head librarian of each public library wishing to participate in the programs of the Act must file a certification of compliance with provisions of the Act. This certification shall remain in effect until the library jurisdiction no longer complies with the stated provisions. The certification shall specifically include compliance with Education Code Sections 18703(c) and 18724(e).

If the library or jurisdiction is no longer in compliance, the head librarian shall notify the Board no later than thirty days following such a change in compliance status.

(c) Participation by Libraries other than Public Libraries. The head librarian of such library eligible to participate in any of the programs of the Act and wishing to do so must file with the State Board a notice of its intent to participate and of its agreement to the provisions of the Act and administrative regulations as they apply to the library's participation. This notice shall be filed in such form and manner as specified by the State Board by September 1 of the fiscal year preceding active participation. The agreement shall remain in effect until rescinded by the State Board or the library.

(d) Reports, Applications, and Claims. Any budget documents, reports, applications, and claims for funds pursuant to this Act shall be submitted by participating libraries in such form and manner and by the dates established by the State Board.

(e) No public library participating in the programs of the Act may charge its residents, as defined in Section 20203, any fee to obtain a library card nor for services for which it is receiving reimbursement under the California Library Services Act.

(f) The California Library Services Board believes that it is in the best interest of the citizens of California that the information services of public libraries be provided free of charge.

Sec. 20106. Uniform population statistics.

Any funds distributed per capita shall be awarded using the most recently published and available combined estimate for cities and counties from the California State Department of Finance.

Sec. 20107. Definitions.

(a) The definitions concerning California Library Services Act components set forth in Education Code Section 18710 are hereby incorporated by reference, with additions as noted in subsection (b) of this section. The definitions incorporated by reference are accurate to California Statutes 1979.

(b) Additions to the regulations hereby incorporated are as follows:

(1) "Chief Executive Officer" means the State Librarian.

(2) "President" means the elected President of the Board.

(3) "Public library affiliation" means the formal and legal joining to a System (i.e., the obtaining of full System membership status) by a public library not previously a member of any System. A Public Library Affiliation is not considered complete until all necessary local System and jurisdictional agreements have been approved and are in force, and the State Board has approved the affiliation.

(4) "Public library consolidation" means the formal and legal joining of the functions, services, operations, et cetera of two or more formerly independent public libraries into a single public library, as defined in Education Code Section 18710(e). A Public Library Consolidation is not considered complete until all necessary local jurisdictional agreements have been approved and are in force, and the State Board has approved the consolidation (see Administrative Code Section 20180, below).

(5) "Reference collection" means a collection of materials, both print and non-print, designed primarily for use in answering requests for information.

(6) "Reference specialist" means a trained and experienced librarian who can provide reference referral services and who can also understand how to approach the community in general and the underserved in particular, together with appropriate skills in analysis of information needs and design and implementation of reference programs responsive to those needs. A reference specialist may be employed in providing any of the services for which he/she is qualified.

(7) "Secretary" means the Executive Secretary of the Board.

(8) "State Board" means the California Library Services Board.

(9) "System consolidation" means the formal and legal joining of geographic service areas, functions, operations, et cetera, of two or more formerly separate Systems into a single Cooperative Library System, as defined in Education Code Section 18710(c). A System Consolidation is not considered complete until all necessary local System consolidation agreements have been approved and are in force, and until the State Board has approved the consolidation (see Administrative Code Section 20185, below).

(10) "Valid non-resident borrowers card" means a card that is issued free of charge by a public library to a resident of another jurisdiction which maintains a public library, as long as such card meets all of the legal requirements of the issuing library.

(11) "Vice-President" means the elected Vice-President of the Board.

ARTICLE 2. CALIFORNIA LIBRARY SERVICES BOARD PROCEDURES

Sec. 20116. Officers of the State Board.

The State Board shall elect a President and Vice-President. The State Librarian shall be the Chief Executive Officer of the State Board.

(a) The State Board shall annually elect a President and Vice-President at the first regular meeting of each calendar year.

(b) Should a vacancy occur in the Office of President or Vice-President, the State Board shall at its next regular meeting elect one of its members to fill such vacancy for the remainder of the term.,

(c) Duties of President. The President shall preside at all meetings of the State Board, shall execute for the State Board any documents requiring such execution, and shall perform such other duties as the State Board so provides.

(d) Duties of Vice-President. The Vice-President shall in the absence of the President perform any of the duties of President that cannot reasonably await the President's return.

(e) Duties of the Chief Executive Officer.

(1) Make such reports and recommendations to the State Board as he deems desirable and

appropriate or as may be required by the State Board.

(2) Administer the provisions of this chapter.

(3) Review all claims to ensure programmatic and technical compliance with the provisions of this chapter.

Sec. 20117. Quorum.

A quorum for all State Board meetings shall be seven (7) members. The concurrence of 7 of its members shall be necessary to the validity of all actions of the State Board.

Sec. 20118. Regular meetings.

(a) Date. Regular meetings of the State Board shall take place at least bi-monthly on the third Thursday of the months of February, April, June, August, October; the December meeting shall be held in conjunction with the California Library Association (CLA) Conference.

(b) Place. The tentative locations for the regular meetings of the following calendar year shall be determined annually, at the last regular meeting of the calendar year.

(c) Change of date or place. Nothing in this regulation shall be construed to prevent the State Board from altering its regular meeting dates or places of meeting.

(d) Meeting notice. A notice of regular meetings shall be provided at least seven days prior to the meeting date to any person annually requesting such notice under Section 20119 below. Such notice shall include the time, date, and place of the regular meeting and a copy of the agenda therefor.

Sec. 20119. Notices.

(a) Eligibility. Notice of any regular or special public meeting of the State Board shall be given to any person annually requesting under Section 20119(b).

(b) Procedure. Individuals and organizations wishing to receive notice of regular and special meetings of the State Board and copies of the agenda may annually request the Secretary to include their names on the mailing list. Inclusion on the mailing list will result in notification to the addressee of all regular and special meetings of the State Board. The Secretary shall annually notify interested agencies and organizations that, upon request, they are entitled to be placed on the mailing list.

Sec. 20120. Open meetings of Committees, Commissions, and Advisory Bodies.

(a) State Board Committees. Meetings of the State Board committees composed solely of members of the State Board, created by a formal action of the State Board, shall be open

and public.

(b) Advisory Bodies. Unless otherwise provided by law, meetings of any advisory body, or committees or subcommittee thereof, created by statutes or by formal action of the State Board, to advise or report or recommend to the State Board, shall be open and public.

Sec. 20121. Open meetings.

All meetings of the State Board will be open and public except for executive sessions authorized by Government Code Section 11120-11131.

Sec. 20122. Special meetings.

Special meetings may be called by the President of the State Board or a majority of the members thereof for any stated purpose. Notice of such meetings shall be provided at least 24 hours in advance to those persons so requesting under Section (b).

Sec. 20123. Emergency meetings and agenda items.

(a) Power. An emergency meeting may be called by the President of the State Board or a majority of the members thereof without providing the notice required by Section 20119 if there is an unforeseen emergency condition in existence.

(b) Definition. An unforeseen emergency condition exists when there is an immediate threat of adverse effects on the program authorized by the Act of such scope that requires action of the State Board to avert such effects.

(c) Agenda Items. An item may be included on the agenda of any regular meeting if an unforeseen emergency condition exists without the notice required by Section 20119.

(d) Certification. Concurrence of 7 of the members is required to certify that an emergency condition exists in order to take any action at an emergency meeting or regarding an emergency item.

(e) Notice. If reasonably possible, notice of the emergency item or meeting shall be provided to those so requesting under Section 20119(b). Lack of such notice shall not invalidate any action taken on said item or at said meeting.

Sec. 20124. Agenda.

(a) All matters to be submitted for consideration of the State Board shall be sent to the Secretary at least 10 days preceding a regular meeting of the State Board at California Library Services Board, P.O. Box 942837, Sacramento, CA 94237-0001.

(b) Setting of Agenda. The agenda for regular meetings of the State Board shall be set by

the Chief Executive Officer at least 8 days prior to the meeting.

Sec. 20125. Speakers.

(a) Recognition of Speakers. Members of the public or the State Library staff will be recognized by the President of the State Board to speak at any meeting. All remarks made shall be germane to the business at hand and shall be addressed to the President. No person other than the person having the floor and members of the State Board shall be permitted to enter the discussion.

(b) Subject of Remarks. All speakers before the State Board shall confine their remarks to the subject indicated in their written request, or indicated in the recognition by the President.

Sec. 20127. Robert's Rules of Order.

Except where the provisions of the California Library Services Act of 1977 or of these regulations provide to the contrary, or when the State Board determines otherwise, the State Board shall operate under the latest edition of Robert's Rules of Order.

Sec. 20130. Public hearings.

(a) Notice. The State Board may hold a public hearing regarding any matter pending before it, after giving the 45-day notice as required by the California Administrative Procedures Act. Such notice shall include adequate descriptive matter relating to the subjects to be considered in hearing.

(b) Alternative hearing. The State Board may direct that a public hearing be held before staff of the State Library, an advisory commission to the State Board, or a standing or ad hoc committee of the State Board regarding any matter which is, or is likely to be, pending before the State Board.

(c) Speakers.

(1) Notice. Persons wishing to address the State Board on a subject to be considered at a public hearing, should present a request to the Secretary four (4) working days in advance of the meeting at the office of the Secretary, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony. Persons wishing to address the Board, who have not presented a request four days in advance, may be heard at the discretion of the presiding officer.

(2) Copies of Statement. The speaker may provide a written copy of his statement to the Secretary 24 hours in advance of the hearing.

(3) Public Testimony. At or before the hearing at which oral comments from the public are to be received, the State Board or other hearing body shall determine the total amount

of time that will be devoted to hearing such oral comments, and may, at its discretion, determine the time to be allotted to each person or to each side of an issue.

Sec. 20131. Waiver by Presiding Officer.

At any time upon a showing of good cause, the presiding officer of the hearing may waive the requirements of Section 20130.

Sec. 20134. Public records.

(a) Inspection of Public Records.

(1) Inspection of the original copy of any public record of the State Board (as defined in Government Code Section 6252(d) and 6254) will be permitted during regular office hours of the State Library, Library-Courts Building, Sacramento.

(2) Requests to inspect such records should be filed with the Secretary at least five working days prior to the requested date in order to insure availability.

(3) Requests for inspection should be as specific as possible in identifying the records desired.

(4) Original copies of public records shall not be removed from the office of the Secretary.

(b) Obtaining Copies of Public Records.

(1) Requests to obtain copies of public records may be made in person or by mail to the office of the Secretary.

(2) Such requests should be as specific as possible in identifying the records desired.

(3) Certification of the authenticity of copies may be obtained from the Secretary.

ARTICLE 3. GENERAL PROVISIONS FOR SYSTEMS

Sec. 20135. System budget request and plan of service.

Each System participating in programs of the Act shall adopt a System Plan of Service, developed with the assistance of the System Advisory Board, and prepare a budget for carrying out the objectives of the Plan. After discussion and review by the System Advisory Board, and approval by the Administrative Council, the System budget request

and Plan of Service shall be annually submitted to the State Board by June 1 of the fiscal year immediately preceding the fiscal year for which funds are requested.

(a) Plan of Service. The annual Plan of Service shall describe in the form and manner prescribed by the State Board how the System proposes to carry out the purposes of the Act, and it shall include information relative to the following statements:

(1) A population profile. This shall be no more than five years old, and shall use the most current data available.

(2) A description of the users and the non-users of the services of the members of the System.

(3) A description of the services provided by the System.

(4) A list of the major unmet information needs of the population of the System area.

(5) A plan for the use of CLSA funds, listing each of the services in (3) above which the System plans to maintain or improve, and each of the unmet needs in (4) above which the System plans to address. Under each such service to be provided or unmet needs to be addressed, the plan shall include:

(A) The user benefit expected.

(B) A brief description of the method by which the benefit will be provided.

(b) Budget. The System budget shall document in the form and manner prescribed by the State Board the dollar amounts to be expended for providing each System service or addressing each unmet need.

(c) In addition, each System shall file by September 1 of each year a report, in the form and manner prescribed by the State Board for the fiscal year just ended, that describes actual accomplishments and expenditures of the System program, compares them with the planned accomplishments and expenditures for the fiscal year reported and includes other appropriate commentary.

Sec. 20136. System administrative policy manual.

Each System participating in programs of the Act must develop by July 1, 1979, a System Administrative Policy Manual which shall include along with any other items the System finds useful, its policies for:

(a) Receiving and accounting for state and federal funds on behalf of the System.

(b) Employment of System personnel.

(c) Interaction with System Advisory Boards.

(d) Executing the System programs approved by the State Board.

Policy manuals shall be in conformity with the California Library Services Act. Policy manuals shall be kept current.

Sec. 20140. System administration.

(a) Cooperative Library System. The System Administrative Council shall consist of the head librarian of each jurisdiction in the system. In Case of the head librarian's absence, an official delegate or alternate may vote in place of the head librarian. It shall have regular meetings, open and accessible to the public and to members of the System Advisory Board as required in the Ralph M. Brown Act (Govt. Code Sections 54950-54961). Information about the meetings of the Council shall be disseminated in such a way and in such languages as the Council determines will most effectively inform the public of the Council's activities. The Council shall be represented at each meeting of the System Advisory Board. The Council shall provide for the position of a Council Chairperson, and for rotation of that position among the Council members.

Sec. 20145. System Advisory Board.

(a) Purpose. The State Board finds that it is in the best interests of the citizens of California and best fulfills the purpose of the Act that System Advisory Board members participate in the planning and development of CLSA-funded system services, in cooperation with their respective System Administrative Councils. The purpose of the System Advisory Board program shall be to provide a means for effective communication between each Administrative Council and the residents of its system service areas, and to help ensure that library services provided by each system respond appropriately to the needs of its residents.

(b) Establishment. An Advisory Board for each System shall be established. The Advisory Board shall consist of the number of members specified in Education Code Section 18747(b) and 18748, except that no System Advisory Board shall consist of fewer than five members.

(c) Advisory Board Members. Each system shall provide the California Library Services Board annually, no later than June 1, with a list of the members of the System Advisory Board and an indication of the underserved population segments represented. Categories used in the Population Profile portion of the System Plan of Service shall be used to indicate the population segments represented.

(d) Organization. Each Advisory Board may formalize its organization by adopting by-laws. Such by-laws shall be in conformity with the Act, these regulations, and Robert's Rules of Order, Newly Revised.

(e) Advisory Board Meetings. The Advisory Board shall have regular meetings, open and accessible to the public. Information about the meetings shall be disseminated in such a way and in such languages as the Advisory Board determines will most effectively inform the public of the board's activities. It shall be the responsibility of each Advisory Board Member to inform his or her appointing governing body and respective community of these activities. The Advisory Board shall also be represented at meetings of the Administrative Council and shall provide the Administrative Council with regular reports of the Board's activities.

(f) Orientation and Training. It shall be the responsibility of each System Administrative Council to work in conjunction with the State Board and the System Advisory Board to ensure that materials and training are provided as necessary to orient each Advisory Board member to the goals, functions and responsibilities of the State Board, the System Administrative Council, and the System Advisory Board. The Chief Executive Officer may, on behalf of the State Board, provide and/or recommend such materials and training as appropriate.

ARTICLE 4. SYSTEM REFERENCE

Sec. 20150. Definitions.

For purposes of this Article:

(a) "Discernible difference" means the difference in quality or quantity of service to the user made possible by the support provided under this Article, beyond the service which would have been provided had the member library not had that support.

(b) "Evidence of benefit" means verification (e.g., statistical sample; staff or user personal testimony; case study) of a discernible difference.

(c) "Performance objectives" means the quantified expression of service specifications (e.g., average response time, number of new users satisfactorily served). The quantities may be set at varying levels from year to year, as experience is gained and as available resources vary.

(d) "Service specification" means a qualitative outcome (a goal) which each System shall strive to achieve for one or more of the service components of the System Reference program set forth in Section 20154 of this Article. It describes what is to be examined in determining if a reference service is performing as intended. Service specifications are expected to be relatively constant over a period of several years.

Sec. 20151. Local flexibility.

The intent of this Article is to allow Systems maximum flexibility to decide in what way they will carry out the requirements of the Article. Systems should provide the best possible professional Reference services.

Sec. 20152. Integrated service program.

The intent of this Article is that the elements to improve service to the underserved should be developed and carried out as much as possible in an integrated manner with all local and System services, so that all elements together provide an inseparable, total library service program.

Sec. 20153. Principles.

Each System shall adopt a program of coordinated reference service support to the members of the system that conforms to the following principles:

- (a) The program makes a discernible difference to the service provided to the user when he or she asks the library for help.
- (b) The program incorporates services that are specific to the needs of the underserved.
- (c) The program is designed to provide evidence of benefit that will be understandable to local users, library staffs, and state officials.

Sec. 20154. Service components.

Each System shall use its reference allowance to provide the following three service components:

- (a) general improvement of local reference service;
- (b) improvement of reference services to the underserved; and
- (c) interlibrary reference.

Sec. 20155. General improvement of local reference service.

(a) Service specifications and performance objectives for the general improvement of local reference service component which are specific to each System shall be adopted by each System. Each System shall, using information provided by its member libraries:

- (1) Assess the needs of, and the service to the general population now being provided by the System's member libraries, then

(2) Identify those program areas where improvement can make a significant difference in the quality or quantity of service, and determine which of those can be improved by use of available resources, then

(3) Evaluate which of those remaining areas would offer the greatest improvement in service to the general population, then finally,

(4) Adopt service specifications and performance objectives to accomplish the improved service, which shall be subject to approval by the Chief Executive Officer on behalf of the State Board.

(b) Evidence of benefit. In designing its general improvement of local reference service component, each System shall provide for evidence of benefit that can be gathered without unreasonably burdening the System and its members.

Sec. 20156. Improvement of reference service to the underserved.

(a) Service specifications and performance objectives for the improvement of reference service to the underserved component which are specific to each System shall be adopted by each System. Each System shall, using information provided by its member libraries:

(1) Assess the reference needs of, and the reference service to the underserved now being provided by the System's member libraries, then

(2) Identify the underserved population and those reference program areas where improvement can make a significant difference in the quality or quantity of reference service, and determine which reference program areas can be improved by use of available resources, then

(3) Evaluate which of those remaining areas would offer the greatest improvement in reference service to the underserved, then finally,

(4) Adopt service specifications and performance objectives to accomplish the improved reference service, which shall be subject to the approval by the Chief Executive Officer on behalf of the State Board.

(b) Evidence of benefit. In designing its component to improve reference service to the underserved, each System shall provide for evidence of benefit that can be gathered without unreasonably burdening the System and its members.

(c) Determination of "Fair and Equitable." Each System shall provide an identified amount from within its CLSA Reference allowance for its improvement of reference service to the underserved component. This budget, when accompanied by approved service specifications and performance objectives as described in Section 20156(a) above, shall be considered as the "fair and equitable" portion of its reference allowance,

required by Education Code Section 18741(b).

Sec. 20157. Interlibrary reference.

(a) Each System shall design its interlibrary reference component to the following service specifications:

- (1) The highest possible percentage of questions shall be answered.
- (2) The answers shall be delivered to the user within an acceptable time period.
- (3) Answers shall meet the user's need in terms of amount, format, language, and accuracy of information.
- (4) Specifications (1)-(3) should be carried out at the lowest possible cost.

(b) The following uniform performance objectives shall be met by all Systems in implementing the interlibrary reference services specifications:

- (1) Answers shall be provided for 90% of all questions referred from member libraries.
- (2) 70% of answers shall be returned to the originating member library within 10 working days of the question having been transmitted by that library into the System's reference referral structure.
- (3) For 1 and 2 above the following definitions are established:

"Answer" means a reply to a user's question that provides the user with the information sought; or with knowledge that the information does not exist in verifiable form; or that the information is likely available from one or more indicated sources which can, for a specified reason, be more effectively contacted by the user than by the library system; or any combination of the foregoing. "Answer" does not include a status report.

"Originating member library" means the System member public library as defined in Education Code Section 18710(l).

"Within 10 working days" means a 10-day period which begins when a question is referred to a source other than within the originating member library, by a part of that library authorized to do so by its System's reference referral procedures. The measured period ends when the answer is received by the part of the originating member library designed by its System procedures to receive the answer to the particular question.

"Working days" means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding legal holidays.

Sec. 20158. Allowance.

Each System shall receive an annual allowance based on the number of member libraries of the System and on the total population served by that System. The State Board shall periodically and at least annually, review and approve the membership and population figures, and determine an appropriate funding formula which shall be uniform statewide.

ARTICLE 5. CONSOLIDATIONS AND AFFILIATIONS

Sec. 20180. Public library consolidation.

(a) If any two or more contiguous jurisdictions operating public libraries wish to consolidate their libraries into a single library agency and receive establishment grants under Education Code Section 18732, a joint notice of intent signed by the head librarians of the consolidating jurisdictions must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date for consolidation. Authorizations to consolidate, approved by the governing body of each consolidating jurisdiction and a joint plan for provision of consolidated services, signed by the head librarians, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of the consolidation.

(b) The State Board's approval of requests for library consolidation funds under Education Code Section 18732 shall be based on its determination that the consolidation provides a more effective means of carrying out the purposes of the Act than would be the case if the consolidation did not occur.

(c) For purposes of determining the eligibility of the consolidating jurisdictions to receive funds under other provisions of the Act, a public library consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Sec. 20185. System consolidations.

(a) If any two or more Systems whose borders are contiguous wish to consolidate and receive a consolidation grant under Education Code Section 18751, a joint notice of intent, approved by the Administrative Councils of the consolidating systems, must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date of consolidation. System participation authorizations approved by the jurisdictional governing body of each of the System's member libraries, and a new system Plan of Service and budget, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of consolidation. If the State Board approves the consolidation funding request, a grant shall be awarded for

each of the two fiscal years following the fiscal year in which the filing is made.

(b) The State Board's approval of requests for System consolidation funds under Education Code Section 19851 shall be based on its determination that the consolidation provides a more effective way of carrying out the purposes of the Act than would be the case if the consolidation did not occur.

(c) For purposes of determining the eligibility of the consolidating systems to receive funds under other provisions of the Act, a system consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Sec. 20190. Public library affiliation with an existing system.

(a) If any jurisdiction, not previously a member of any System, joins a System with borders contiguous to the jurisdiction, and the system wishes to receive an affiliation grant under Education Code Section 18752, the administrative body of the System shall file a notice of intent and the jurisdictional governing body of the affiliating library shall file an affiliation authorization with the State Board as follows:

(1) For memberships occurring between July 1, 1980 and June 30, 1981, the notice of intent shall be filed by September 1, 1980, and the affiliation authorization shall be filed by June 1, 1981. If the State Board approves, a grant of \$3,000 shall be made for each of the fiscal years 1981/82 and 1982/83.

(2) For memberships occurring between July 1, 1981 and June 30, 1982, the notice of intent shall be filed by September 1, 1981, and the affiliation authorization shall be filed by June 1, 1982. If the State Board approves, a grant of \$2,000 shall be made for each of the fiscal years 1982/83 and 1983/84.

(3) For memberships occurring between July 1, 1982 and June 30, 1983, the notice of intent shall be filed by September 1, 1982, and the affiliation authorization shall be filed by June 1, 1983. If the State Board approves, a grant of \$1,000 shall be made for each of the fiscal years 1983/84 and 1984/85.

(4) System memberships occurring following June 30, 1983 shall not be eligible for grants under Education Code Section 18752.

(b) The State Board's approval of requests for affiliation grants under Education Code Section 18752 shall be based on its determination that the proposed membership is at least as effective a way of carrying out the purposes of the Act as would be the case if the membership were with a System other than the one joined.

(c) For purposes of determining the eligibility of the affiliating public library or system to receive funds under other provisions of the Act, an affiliation will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the

affiliation authorization is filed.

Sec. 20192. Public library withdrawal from system membership.

(a) If a member library does not retain its membership in any system participating in the programs of the Act, the system shall notify the State Board no later than three months preceding the beginning of the fiscal year in which the withdrawal takes effect.

(b) Any System failing to provide the notice required in Section 20192(a) may be required to return to the State Board any funds allocated to it on the basis of the withdrawing library's membership, if the Chief Executive Officer determines that such funds would not have been allocated had the required notice been provided.

Sec. 20195. Public library change of system membership.

If any jurisdiction at present or previously a member of a System which has received state funds pursuant to that jurisdiction's membership, wishes to join another System instead, and if the library and the System it proposes to join wish to receive state funds pursuant to that jurisdiction's membership under Article 5 of the Act, the governing body of the jurisdiction and the administrative body of the System it proposes to join shall file a joint notice of intent with the State Board. The notice shall be filed by September 1 of the year preceding any July 1 of the first full fiscal year for which state funds pursuant to the new membership are requested. The State Board shall approve all appropriate state fund payments to the System under Article 5 of the Act only if it determines that the new membership results in a more effective statewide method of carrying out the purposes of the Act that would be the case if the jurisdiction retained or resumed the System membership it had previously. If the State Board does not make such a determination in favor of the new membership, then the new System's funding under Article 5 of the Act shall be calculated on the basis of the System comprising only those public library jurisdictions whose membership is approved.

ARTICLE 6. DIRECT LOANS

Sec. 20200. Scope.

Except where otherwise specified, the regulations contained in the article apply both to Education Code Section 18731 (Universal Borrowing) and Education Code Section 18743 (Equal Access) of the Act.

Sec. 20203. Residency.

For purposes of this article, each resident of the State shall be deemed to have a single

legal residency, which shall entitle him/her to resident library services of the jurisdiction in which he/she resides, and such services shall not be reimbursable under this article. In determining the places of residency, the following rules as excerpted from Government Code Section 244 shall be observed:

(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.

(b) There can be only one residence.

(c) A residence cannot be lost until another is gained.

(d) The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of such unmarried minor child.

(e) A married person shall have the right to retain his or her legal residence in the State notwithstanding the legal residence or domicile of his or her spouse.

Sec. 20204. Loans to eligible non-resident borrowers.

(a) Public libraries participating in direct loan programs under this Act shall not charge any fee to non-residents for borrowing privileges.

(b) Reserves and interlibrary loan requests shall be accepted by the participating public library under the same rules and policies applied to local residents.

(c) All procedures governing registration of borrowers shall apply equally to residents and non-residents.

(d) All materials normally loaned by a participating public library are available for loan to non-residents under the same rule and policies applied to local residents.

(e) All loans and return rules governing circulation apply equally to residents and non-residents. If overdue materials are returned to a library other than the library from which borrowed, fines may be paid to and retained by the library to which the return is made. Payments for lost or damaged materials are payable to the lending library, and are to be forwarded by the library to which payment is made.

(f) Special loan privileges extended by the participating public library to teachers and other groups within its jurisdiction need not be extended beyond the jurisdiction.

Sec. 20205. Non-resident borrower eligibility.

An eligible non-resident borrower must be a resident of California,

- (a) Hold a valid borrowers card issued by his/her home library, or
- (b) Hold or obtain a valid non-resident borrowers card issued by any California public library, or
- (c) Hold a valid state borrowers identification card issued by any California public library;
- (d) And present any additional identification normally required by a library of its own residents.
- (e) Nothing in this section shall prevent the issuing of a non-resident card or charging of fees to a resident of another state, except that loans to such non-residents shall not be counted as reimbursable transactions.

Sec. 20206. Valid identification.

The lending library must be supplied with the name and current address of the borrower and the name of the library jurisdiction in which the borrower maintains his or her legal residency.

Sec. 20210. Exchange of local funds prohibited.

Libraries participating in direct loan programs authorized by the Act, shall not charge other jurisdictions for borrowing privileges extended to their residents, except that contracts for loan or other services provided within a defined geographic area by a library jurisdiction to resident of another jurisdiction not served by their library jurisdiction are not prohibited. Persons served under such contracts are to be registered as residents of the jurisdiction providing the contract service.

Sec. 20211. Maintenance of local service standards.

It is the intent of this article that local service standards be maintained:

- (a) Extension of borrowing privileges by libraries to non-residents should not adversely affect the level of service provided by the home library to its own residents.
- (b) No library jurisdiction may reduce or fail to maintain or improve the level of service to its residents for the purpose of placing undue reliance on the library services of neighboring library jurisdictions.

Sec. 20215. Reimbursements for net direct loans.

Loan of a library material of any type by a participating public library to an eligible non-resident borrower shall result in reimbursement from the state under Education Code Sections 18731 and 18743 to the extent that the number of such loans exceeds the

number of items borrowed by that library jurisdiction's residents from other participating public libraries, during a specific reporting period.

Sec. 20216. Reporting requirements.

To obtain reimbursement, participating public libraries shall provide reports in the form and manner, and for the period required. Reports must be submitted by established deadlines. Records in support of claims for state funds must be maintained for four years.

Sec. 20217. Reimbursable costs.

Reimbursable costs, expressed on a unit basis, are those handling costs incurred by the lending library in processing a direct loan to a non-resident. The State Board shall periodically review, at least once a year, and approve such cost data, but the reimbursement rate, as adopted, shall be uniform statewide.

ARTICLE 7. COMMUNICATION AND DELIVERY

Sec. 20235. Definition or reporting terms.

In complying with the reporting requirements of Section 20135 each system shall use the following definitions with respect to the communication and delivery programs:

(a) "Message" means the transmission of a discrete body of information from one library to another by means of a telecommunications system to a single individual or institutional addressee. Many separate items of information may be contained in a single message. The same body of information transmitted to several addressees at physically distinct locations constitutes several, not one, messages. Written information physically conveyed by delivery van, U.S. mail, or other courier services is not considered a "message" for communications and delivery reporting purposes.

(b) "Item delivered" means the physical removal of a discrete item from one library to another by means of a delivery van, U.S. mail, courier service, or other delivery system. Reasonable judgment shall be exercised in determining particular "items" status (e.g., a carton containing 10,000 brochures is one -- not 10,000 items).

(c) "Frequency/schedule of Delivery service" means that specific (daily, twice weekly, weekly, etc.) frequency of delivery service received by member libraries. If not all members receive the same frequency of delivery service the number of member libraries served on each differing schedule must be reported.

(d) "Other" means that when a system employs communications or delivery methods

other than those specifically cited on the standard reporting forms, the system must specify the method(s) employed and separately account for the message or delivery volume for each such method.

ARTICLE 8. INTERLIBRARY LOANS

Sec. 20251. Scope.

The regulations in this article refer to interlibrary loan activity covered under the provisions of Education Code Section 18744 (i.e., System interlibrary loan) and 18765 (i.e., Statewide loan).

Sec. 20252. Intent.

It is the intent of this program of the Act to support the sharing of library resources through interlibrary loan. Library materials needed by a library user and not available in the user's library will be made available to the user via interlibrary loan.

Sec. 20255. Eligibility.

(a) Public libraries. Any public library as defined in Education Code Section 18710(1), which has been authorized by its jurisdiction to participate in programs of the Act must participate in the interlibrary loan program of the Act.

(b) Libraries other than public libraries. To be eligible to participate these libraries must be authorized by their own administrative authorities to do so and must file the proper notice with the State Board as outlined in Section 20105(c). Further, a library, other than a public library, may be eligible for a reimbursement only for a loan to an eligible public library. Libraries, other than public libraries, which can become eligible for participation in the interlibrary loan reimbursement programs of the Act include only the following:

(1) Libraries operated by public schools or school districts. These libraries include only those defined in Education Code Section 18710(m).

(2) Libraries operated by public colleges or universities. These include those academic libraries (Education Code Section 18710(a) which are funded primarily with public funds. Academic libraries potentially eligible for these programs include the libraries of the University of California, of the State University and College System, and of the California Community Colleges.

(3) Libraries operated by public agencies for institutionalized persons. Libraries for the institutionalized include hospital, correctional, and residential treatment facility libraries

which are funded primarily with public funds (i.e., local, state, or federal tax monies).

(4) Libraries operated by nonprofit private educational or research institutions. These libraries include those operated by private colleges and universities which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. These libraries also include those operated by private companies which are primarily devoted to educational or research purposes and which maintain nonprofit status under provisions of the Federal Internal Revenue Service or the California Franchise Tax laws. Such libraries may be required by the State Board to furnish proof of their nonprofit status in addition to any other required notices and forms.

Sec. 20257. Reimbursable transactions.

An interlibrary transaction can result in reimbursement under Education Code Sections 18744 and 18765 if it consists of the loan of a library material of any type which is collected by a library or if it consists of the provisions of a copy in lieu of loan of a library material, from any eligible, participating lending library to any eligible public library as defined in Section 20255 and in Education Code Sections 18744 and 18765.

Sec. 20260. Reimbursable costs.

Reimbursable costs are only those handling costs which a lending library incurs in filling a successfully completed interlibrary loan transaction. The State Board shall periodically, and at least annually, review and approve the cost data and determine an appropriate funding formula which shall be uniform statewide.

Sec. 20265. Participation requirements.

Participating libraries, both public and non-public, shall conform to the following requirements:

(a) Reporting. To obtain reimbursement a library shall provide by the deadline reporting date, all required reports of its interlibrary loan transactions in an established form and manner determined by the Board for the period required.

(b) Audit. For audit purposes, a record of the interlibrary loan transactions must be maintained for four years.

(c) Fees. A library providing an item for interlibrary loan may not collect a handling fee on a transaction for which that library claims an interlibrary loan reimbursement under provisions of this article. A photocopy fee, exclusive of photocopy handling charge, may be collected.

(d) Direct loan availability. Participating libraries shall make maximum use of available bibliographic access tools to refer users to borrow directly from nearby libraries where

requested material is easily available, rather than to process an interlibrary loan.

(e) Responsibility for borrowed materials. The borrowing library shall be responsible for all items it borrows, and if such item is lost or damaged by the library or its users, the borrowing library may be required by the lending library to make restitution for the item.

(f) Adherence to standards. All participating libraries shall attempt to follow the standards described in the "California Library Services Act Interlibrary Loan Standards," which is hereby incorporated by reference. The State Board may withhold reimbursements to libraries which continually fail to meet the standards of performance.

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